

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN (BAY CITY)
UNITED STATES OF AMERICA

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Case No. 1:20-cr-20085-TLL-TPM
Hon. Thomas L. Ludington
Magistrate Judge: Patricia T. Morris

vs.

BRITTAN J. ATKINSON
Defendant.

MOTION FOR SUBSTITUTION OF COUNSEL

For the reasons stated below, the Defendant requests that the Court allow the substitution of Donald J. Neville and Timothy P. MacDonald as attorneys for Defendant in place of Steven Jacobs. Pursuant to Local Rule 7.1, concurrence was sought from the US Attorney and was denied. Concurrence was also sought from Mr. Jacobs, attorney for Mr. Atkinson and concurrence was given by Mr. Jacobs.

Dated: 05/05/2020

/s/ Donald J. Neville
Donald J. Neville (P60213)
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101 W. Clinton Street
Howell, MI 48843
(517) 546-8400

Dated: 05/05/2020

/s/ Timothy P. MacDonald
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Defendant.

BRIEF IN SUPPORT OF MOTION FOR SUBSTITUTION OF COUNSEL

I. Introduction

Defendant is before this Honorable Court on one count of 18 USC 875(c). EFC No.1. Mr. Atkinson is currently in North Carolina undergoing a competency evaluation. Due to his evaluation and the Covid19 pandemic, counsel is unable to secure his signature on a Consent Order to Substitute Counsel pursuant to Local Rule 57.1.

II. Background

Defendant sought the substitution of counsel prior to the recent hearing regarding pretrial release through his wife. Defendant's wife met with Mr. Neville and Mr. MacDonald on two occasions. At the request of Mr. Atkinson, his wife contracted with Mr. Neville and Mr. MacDonald to represent Mr. Atkinson. Mr. Atkinson's wife received loans from three family friends to secure the funds to retain counsel. Mr. Neville would be lead counsel for Mr. Atkinson with Mr. MacDonald as co-counsel.

Due to COVID19 and Mr. Atkinson's evaluation, counsel was unable to meet with Mr. Atkinson. Current defense counsel Mr. Steven Jacobs has consented to the substitution. Defendant sought entry of a Stipulation and Order to Substitute Counsel. Said Order was denied due to failure to comply with Local Rule 57.1. Relief is now sought through this Motion.

III. Argument

Under the Sixth Amendment, Mr. Atkinson is entitled to the attorney of his choosing. Compliance with the Federal and Local Court Rules is frustrated by the COVID19 pandemic and the competency evaluation.

IV. Conclusion

For the reasons stated above, Mr. Atkinson's Motion should be granted and Mr. Neville and Mr. MacDonald should be substituted as counsel for Defendant.

Respectfully submitted,

Dated: 05/05/2020

/s/ Donald J. Neville
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Dated: 05/05/2020

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2020, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to all attorneys of record.

Respectfully submitted,

Dated: 05/05/2020

/s/ Donald J. Neville
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ORDER

This matter having come before the Court on Defendant's Motion to Substitute Counsel and the Court being fully apprised of the premises;

IT IS SO ORDERED that attorney Donald J. Neville and Attorney Timothy P. MacDonald be substituted as attorneys of record for Defendant Brittan J. Atkinson.

Dated: _____

Honorable Thomas L. Ludington
United States District Judge